IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15031 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRADIPKUMARJ ASHBHAI PATEL

Versus

REGIONAL PASSPORT AUTHORITY

Appearance:

1. Special Civil Application No. 15031 of 2003

MR DC DAVE for Petitioner No. 1

MR DN PATEL for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 06/11/2003

ORAL JUDGEMENT

RULE. Service of rule is waived by learned

advocate Shri N.J. Shah appearing for Shri D.N. Patel, Sr. Standing Counsel. At the request of the learned advocates, the petition is finally heard today.

2. The grievance of the petitioner is that his date of birth was initially recorded incorrectly as 16.05.1956 in the passport, which was issued to him. Thereafter the petitioner has come to know that his correct date of birth is 16.06.1956 as recorded in the Register of Births and Deaths maintained under the provisions of Registration of Births and Deaths Act, 1969.

3. In the circumstances, the petitioner wants his correct date of birth to be recorded in the passport, which might be issued to him.

4. In pursuance of notice issued by this Court, learned advocate Shri N.J. Shah has appeared and has submitted that on the basis of information given by the petitioner in the past, in the passport which had been issued to the petitioner, it was stated that the petitioner was born on 16.05.1956. Now the petitioner has come with a different case. However, it has been submitted that if the petitioner submits an application for making corrections, his application will be looked into and after considering the evidence adduced by the petitioner, if the authority is satisfied that the correct date of birth of the petitioner is 16.06.1956, a new passport stating the correct date of birth shall be issued to him.

5. Looking to the facts of the case, if the petitioner submits an application to the respondent authority with relevant documents and evidence to show that the petitioner was in fact born on 16.06.1956, it is directed that the respondent shall look into the same and if the authority is satisfied that the correct date of birth of the petitioner is 16.06.1956, I am sure that the authority shall issue a new passport recording correct date of birth.

6. It has been further submitted by learned advocate Shri N.J. Shah that there appears to be some discrepancy in the name of the petitioner and the discrepancy can be found upon perusal of the extract of birth register and the school leaving certificate. It has been submitted by him that name of the petitioner is Pradipkumar Jashbhai Patel whereas the birth certificate, pertains to Shri Punambhai Jashbhai Patel. It has been thus submitted by learned advocate Shri N.J. Shah that possibly the birth certificate annexed to the petition does not pertain to

the petitioner.

7. In reply to the said submission made by learned advocate Shri N.J. Shah, it has been submitted by learned advocate Shri Dave appearing for the petitioner that the petitioner had changed his name from Punambhai to Pradipkumar subsequently. It has been submitted by him that necessary formalities have already been done for changing the name and the petitioner shall adduce necessary evidence to show the said fact to the respondent authorities.

8. It has been further submitted by learned advocate Shri N.J. Shah that if the petitioner has changed his name, the petitioner is required to give certain details like his affidavit, a copy of the advertisement given in any Government Gazette as well as in the local newspaper so that the respondent authority can believe that the petitioner has changed his name.

9. In the instant case, only on account of incorrect information given by the petitioner to the respondent, the date of birth was recorded as 16.05.1956. The respondent authority will be put to difficulties because of a mistake committed by the petitioner and therefore the petitioner is directed to pay a sum of Rs.5,000/- by way of costs to the respondent.

10. In view of the above direction, the petition stands disposed of as allowed. Rule is made absolute to the above extent. D.S. permitted.

(A.R. DAVE, J.)
siji